

REMARKS

In accordance with the Examiner's restriction requirement, applicant has elected claims 12, 14 and 18-20 for prosecution. Therefore, applicant has cancelled claims 1-11 without prejudice. The Examiner has rejection claims 12, 14 and 18-20 under 35 U.S.C. 112 as being indefinite. Applicant has amended independent claim 12 to remove any questions of indefiniteness as suggested in the Examiner's rejection. The Examiner has stated that it is unclear how "a source of compressed human breathing air" is related to the source of breathing air, i.e., there is no clearly defined connection between the testing and the providing of compressed human breathing air. The primary purpose of applicant's invention is to provide a method that can ensure the air purity for human breathing of the air derived from a compressed user air source that is used at a user facility to supply compressed air to SCUBA tanks and emergency breathing air tanks. Even more importantly is to have an independent third party certify the quality of the air being generated by the user air source. Using applicant's claimed method, the user facility that provides an air source for generating compressed human breathing air does not have to transport an actual air sample taken on a periodic basis from the compressed air generator to a remote spot for certification. This process had previously taken days. Claim 12 has been amended to specifically emphasis the importance of applicant's method in order to delineate the user air source for generating compressed human breathing air and the testing process used to test and certify the human air sample remotely.

The Examiner's rejection of claims 12, 14 and 18-20 under 35 U.S.C. 103 as being unpatentable over Sunshine in view of Banet is respectfully traversed. The references when viewed together do not suggest to one of ordinary skill in the art applicant's novel and unobvious method for ensuring a safe source of human breathing air that is provided from a user air source that is used to fill SCUBA tanks or an emergency air tanks. There is no suggestion or teaching when viewing both references together to provide applicant's specifically claimed invention in independent claim 12. Claims 14 and 18-20 depend from claim 12..

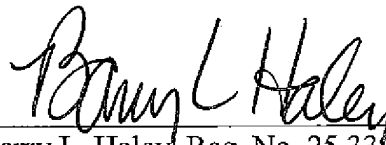
Neither of the references, Sunshine or Banet, describes certifying the purity of a user air source that provides for human air used in SCUBA tanks or emergency air tanks. The Sunshine application and the Banet patent together do not suggest to one of ordinary skill in the art applicant's claimed invention in claims 12, 14 and 18-20 to include a user air source and providing a human breathing air sample from the user air source for air analysis and remote certification by a third party which can be done, literally, in a few minutes. Applicant's invention saves valuable time in certifying air quality from a user air source by eliminating the actual shipment of the air samples from the user air source facility to the certification facility. Further evidence that the applicant's claimed invention is not obvious under 35 U.S.C. 103 is the fact that if one were to combine the Sunshine reference with the Banet reference, it is structurally impossible to arrive at applicant's claimed invention.

In summary, it is believed that claims 12, 14 and 18-20 are allowable over the art of record and meet the requirements of 35 U.S.C. 112.

In re application of: LAUGLIN, Robert M.
Serial No.: 10/045,229
Page 7

If there are any additional charges, including extension of time, please bill our
Deposit Account No. 13-1130.

Respectfully submitted,

A handwritten signature in cursive script, reading "Barry L. Haley", is written over a horizontal line.

Barry L. Haley, Reg. No. 25,339
Malin, Haley & DiMaggio, P.A.
1936 South Andrews Ave.
Ft. Lauderdale, Florida 33316
Telephone: (954) 763-3303
Facsimile: (954) 522-6507